

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Joseph Dennis Catanese dba Catman Sports, Inc.
Cathy Louise Catanese

Debtors

CHAPTER 13

ABS REO Trust

Movant

vs.

NO. 14-11963 AMC

Joseph Dennis Catanese dba Catman Sports, Inc.
Cathy Louise Catanese

Debtors

William C. Miller Esq.

Trustee

11 U.S.C. Section 362

**MOTION OF ABS REO Trust
FOR RELIEF FROM THE AUTOMATIC STAY
UNDER SECTION 362**

1. Movant is ABS REO Trust.

2. Debtors are the owners of the premises 104 Slate Ridge Road, Coatesville, PA 19320, hereinafter referred to as the mortgaged premises.

3. Movant is the holder of a mortgage, original principal amount of \$43,100.00 on the mortgaged premises that was executed on April 29, 2004. Said mortgage was recorded on June 10, 2004 at Document No. 10423071. The Mortgage was subsequently assigned to Movant by way of Assignment of Mortgage recorded on March 23, 2018, at Book 9714, Page 1009 in Chester County. Documentation attached hereto as Exhibit A is provided in support of right to seek a lift of stay and foreclose if necessary.

4. Select Portfolio Servicing Inc., services the loan on the property referenced in this Motion for Relief. In the event the automatic stay in this case is lifted/set aside, this case dismisses, and/or the debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of ABS REO Trust. Said entity has the right to foreclose by virtue of being the owner and holder of the note. The promissory note is either made payable to said entity or has been duly endorsed.

5. William C. Miller Esq., is the Trustee appointed by the Court.

6. The commencement and/or continuation of the mortgage foreclosure proceedings by reason of non-payment of monthly mortgage payments were stayed by the filing of a Chapter 13 Petition in Bankruptcy by the Debtors.

7. Debtors have failed to make the monthly post-petition mortgage payments in the amount of \$120.23 for the months of October 2017 through October 2018.

8. As of October 4, 2018, the total amount necessary to reinstate the loan post-petition, less suspense balance of \$54.49 is \$1,508.50.

9. As of October 4, 2018, the unpaid principal balance of this loan is \$37,931.65.

10. Movant is entitled to relief from stay for cause.

11. This motion and the averments contained therein do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, Movant prays that an Order be entered modifying the Stay and permitting Movant to proceed with its mortgage foreclosure on the mortgaged premises, and to allow the Sheriff's Grantee to take any legal action to enforce its right to possession of the mortgage premises. Further, Movant prays that an Order be entered awarding Movant the costs of this suit, reasonable attorney's fees in accordance with the mortgage document and current law together with interest.

/s/Kevin G. McDonald, Esquire

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